

FINAL BILL REPORT

SHB 2085

C 354 L 05

Synopsis as Enacted

Brief Description: Regarding the cleanup of waste tires.

Sponsors: By House Committee on Transportation (originally sponsored by Representatives Simpson, Hankins, Murray, Haler, Morris, Ormsby, B. Sullivan, Dickerson, Chase, Wood and Ericks).

House Committee on Transportation
Senate Committee on Water, Energy & Environment
Senate Committee on Ways & Means

Background:

A \$1 fee was assessed on the retail sale of each new vehicle replacement tire sold from October 1989 until September 1995. The fee was collected by the tire seller, who was entitled to retain 10 percent of all fees collected. Revenue generated by the fee was used to fund state and local efforts to remove discarded tires from unauthorized dump sites, to fund local enforcement, to fund local pilot projects for on-site tire shredding, to implement a public education program, to produce marketing studies on tire recycling, and to fund a tire study. In 2002, the Legislature enacted a requirement that the Department of Ecology (DOE) track and report the annual and cumulative increases and decreases in the state's tire recycling rates.

Individuals who engage in the business of transporting or storing waste tires are required to be licensed by the DOE. To obtain a license, the business must assure the DOE that it is in compliance with the law and post a bond of \$10,000. A violation of licensing requirements is punishable as a gross misdemeanor.

Summary:

The \$1 tire fee on the sale of new replacement tires is reinstated beginning July 1, 2005. Tire retailers may retain 10 percent of the fee and must remit the remainder to the Department of Revenue. Any retailer that converts the fee to his own use is guilty of a gross misdemeanor. Retailers that do not collect the fee or fail to remit the fee to the DOR are personally liable to the state for the amount of the fee. A retailer who fails to collect the fee, with the intent to violate the provisions of this Act, is guilty of a misdemeanor.

The Waste Tire Removal Account is created in the state treasury. It is an appropriated account and moneys may be used for the cleanup of unauthorized waste tire piles and measures to prevent future accumulation of unauthorized waste tire piles.

An appropriation of up to \$150,000 is made to the Office of Financial Management for oversight of a detailed study to identify and collect information on tire cleanup sites in the

state. The DOE is directed to conduct the study, which is to be delivered to the Legislature by November 15, 2005.

The study must include at least the following elements:

- identification of existing tire cleanup sites in Washington;
- the estimated number of tires in each tire cleanup site;
- a map identifying the location of each one of the tire cleanup sites;
- a photograph of each one of the tire cleanup sites;
- the estimated cost for cleanup of each tire site by cost component;
- the estimated reimbursement of costs to be recovered from persons or entities that created or have responsibility for the tire cleanup site;
- identification of the type of reimbursements for recovery by each of the tire cleanup sites;
- the estimated time frame to begin the cleanup project and the estimated completion date for each tire cleanup site;
- an assessment of local government functions relating to unauthorized tire piles, including cleanup, enforcement, and public health;
- identification of local government needs for each one of the counties; and
- a statewide cleanup plan based on multiple funding options between 20 cents and 60 cents for each new tire sold at retail in the state starting on July 1, 2005. The plan shall include the estimated time frame to begin each of the tire cleanup sites and the estimated completion date for each one of the sites. In addition, the plan must include a process to be followed in selecting entities to perform the tire site cleanups. The 2006 Legislature will determine the final distribution of the tire cleanup fee and the appropriations for this statewide tire cleanup plan.

The DOE is directed to begin a pilot project for the clean up of a tire pile in Goldendale, Washington.

Some changes are made to the requirements for obtaining a license from the DOE to transport or store waste tires. A business must accept liability for and authorize the DOE to recover any costs incurred in any cleanup of waste tires transported or newly stored by the applicant in violation of the law. The amount of the bond that must be posted by licensed businesses will be determined by the DOE in an amount sufficient to cover the liability for cost of cleanup of waste tires. However, the current bond amount of \$10,000 is maintained until January 1, 2006. Licensees must also be registered in Washington as a business, have a federal identification number and report annually to the amount of tires transported and their disposition. Failure to report will result in revocation of the license.

Persons who transport or store waste tires without a license will be liable for the costs of cleanup of any waste tires transported or stored. Once waste tires are legally transferred to a permitted recycler, the transferring business has no further liability relative to the transferred tires.

Votes on Final Passage:

House 76 17
Senate 41 4 (Senate amended)
House 75 20 (House concurred)

Effective: July 1, 2005